FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, seeking approval of a nonconforming use and expansion of same by less than 25% of the total floor area, all as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The subject property, known as 4200 Leeds Avenue, is owned by the Order of the Alhambra, Inc. Their representative, Elmer J. McFadden, appeared at the hearing and was represented by John Gontrum, Esquire. Also appearing was J. Scott Dallas, the surveyor who prepared the plan. There were no Protestants present.

Testimony and evidence submitted at the hearing disclosed that the subject property is a small lot of approximately .152 acres (+/-). zoned D.R.5.5 and is presently improved by a one story vinyl-sided structure. The building is used as a community building and serves as the headquarters of the Order of the Alhambra, Inc. This Order is a charitable/religious Order and is affiliated with the Roman Catholic Church. Its self appointed mission is to help mentally disabled individuals. The subject site was acquired by the Petitioner in 1956. Presently, the building has offices for the four employees of the Order (2 full time and 2 part time), as well as

meeting rooms and storage facilities. In fact, the majority of the building is devoted to the storage needs of the Order, although occasional meetings are held at the site.

As to the nonconforming use, the Petitioner's attorney noted that this community building existed as a matter of right in the subject zone, prior to 1963. At that time, however, Bill 64-163 was adopted, which requires a special exception for community buildings in a residential zone. This regulation remains in effect at the present time. The Petitioner presented evidence that the building has been in its present use since its acquisition, by the Order of the Alhambra, Inc., in 1956. Further testimony was presented that the building has been used in its present fashion, uninterruptedly, since that time.

All Petitions for Special Exception are governed by Section 104 of the B.C.Z.R. This section was originally adopted when Baltimore County comprehensively redrafted its zoning regulations in 1955. In essence, the section provides that a nonconforming use may be "grandfathered", provided same has not been abandoned, discontinued or changed for a period of one year or more. Based upon the uncontradicted testimony and evidence before me, it is clear that this use has so continued uninterruptedly. Thus I find, as a matter of fact, that this property is legitimately nonconforming.

In addition to this finding, the Petitioner seeks approval to expand the existing structure by the addition of a one story $12-1/2 \times 30$ ft. addition to the rear of the building. The Petitioner testified that additional storage area was needed and necessitated this request. Section 104.3 of the B.C.Z.R. further provides that a nonconforming use may be expanded up to 25% of the floor area of the building. In that the existing building is approximately 1544 sq. ft. in area, the proposed expansion of 375 sq. ft. is within this parameter.

Further, it is to be noted that the Petitioner proposes to remove an existing shed from the rear of the building and replace same with the addition. Thus, the extent of the proposed addition, when considering the existing shed area is even less expansive. For these reasons, I am persuaded to grant the Petition as presented.

Although I am persuaded to grant the Petition for Special Hearing as to the nonconforming use and the expansion of same, my findings should address certain comments presented by the Zoning Advisory Committee (ZAC). For example, within the ZAC comments from the Office of Planning and Zoning and the Bureau of Traffic Engineering, it is requested that a detailed parking layout be shown. However, as was indicated at the hearing, the site is small in area and features an existing parking area to the rear of the lot. As noted above, it is rare when more than the four employees are present at the property. Further, the Petitioner has proposed removing the existing retaining wall and relocating same closer to the rear property line. In my view, the existing macadam surface to the rear, even after these adjustments, will provide sufficient space for the facility's parking needs. Thus, I will not require the Petitioner to submit further information in this respect.

The ZAC comments submitted from the Office of Planning and Zoning also request that a landscape plan be submitted as well as architectural elevation drawings and information regarding the materials to be used in construction. It is to be noted that this is a small lot and it is questionable whether any landscaping could be placed on site. The Petitioner also noted the small scale of the addition, and has advised of their intent to construct an esthetically pleasing addition, which will be compatible with the site improvements currently in place.

Based upon these considerations, I am persuaded that the Petition for Special Hearing should be granted without the necessity of adherence to the ZAC comments.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the Petition for Special Hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County 1992 that, pursuant to the Petition for Special Hearing, approval of a nonconforming use and expansion of same by less than 25% floor area, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner for Baltimore County

365 Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petit. In for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

a non-conforming use and expansion of less than 25%

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and a strictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

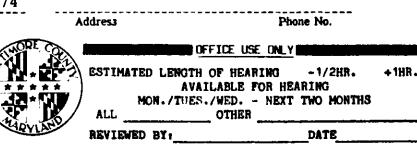
> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee: Legal Owner(s): ELMER J. McFADDEN (Type or Print Name) Unes Mi Fieddan ------(Type or Print Name) ------Attorney for Petitioner:

410-687-6236 8303 Berkwood Court JOHN B. GONTRUM Baltimore, MD 21237 Name, address and phone number of legal owner, con-

tract purchaser or representative to be contacted Baltimore, Maryland 21221 Attorney's Telephone No.: 410-686-8274

No REVIEW



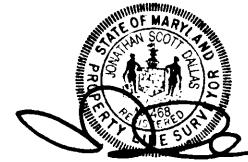
J. S. DALLAS, INC.

SURVEYING & ENGINEERING 4932 HAZELWOOD AVENUE BALTIMORE MD 21206 (301) 866-2001 FAX (301) 866 2003

92-347. SPH

ZONING DESCRIPTION # 4200 LEEDS AVENUE

BEGINNING at a point on the west side of Leeds Avenue, 50 feet wide, at the distance of 25 feet + south of the centerline of Beechfield Avenue, 50 feet wide thence the following courses and distances: (1) North 59 degrees 20 minutes 00 seconds West 128.00 feet (2) South 33 degrees 32 minutes 46 seconds West 45.00 feet (3) South 53 degrees 15 minutes 47 seconds East 128.30 feet and (4) North 33 degrees 17 minutes 05 seconds East 58.57 feet to the place of beginning. Containing 0.152 acres of land, more or less. Also known as # 4200 Leeds Avenue and located in the 13th Election District.



| T | - " | |
|----------------------------|--------------------------|------------------------|
| Posted for: | Dete | of Posting Specific 19 |
| | | , |
| Petitioner: 900000 | Mr. Paulden | ***** |
| Location of property: 2:22 | Ands Ginemus, 25' 5 of 6 | 1- Buchtiers |

CERTIFICATE OF PUBLICATION

Date of return: April 3

3/24 THIS IS TO CERTIFY, that the annexed advertisement was

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____

THE JEFFERSONIAN,

\$31.74

Palpaneae Committee Considerate company transport in section Office of Plannico and London

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

John B. Gontrum, Esquire Baltimore, Maryland 21221

RE: Petition for Special Hearing Case No. 92-347-SPH Elmer J. McFadden, Petitioner

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to

> Lawrence E. Schmidt Zoning Commissioner for Paltimore County

LES:mmn att.

cc: Mr. Elmer J. McFadden

(410) 887 4386 April 21, 1992

814 Eastern Boulevard

Dear Mr. Gontrum:

contact our Appeals Clerk at 887-3391.

814 Eastern Boulevard

Account: R-001-6150

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Cashier Validation

Baltimore County Zoning Commision
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 2000

Account: R-001-6150

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111 West Chesapeake Avenue

Towson, MD 2120 i

Printed on Recycled Paper

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

(410) 887-3353

Your petition has been received and accepted for filing this 12th day of March, 1992.

DIRECTOR

Zoning Plans Advisory Committee

Petitioner: Elmer J. McFadden Petitioner's Attorney: John B. Gontrum

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120+

(410) 887-3353

Elmer J. McFadden 8303 Berkwood Court Baltimore, Maryland 21237

DATE: 15/20/92

CASE NUMBER: 92-347-SPH W/S Leeds Avenue, 25' (+/-) S of c/l Beechfield Avenue 4200 Leeds Avenue 13th Election District - 1st Councilmanic Petitioner(s): Elmer J. McFadden

Dear Petitioner(s):

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

ARNOLD JABLON DIRECTOR

cc: John B. Gontrum, Esq.

92-347-5PH

1/4/42

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE DATE: April 7, 1992

Arnold Jablon, Director Zoning Administration and Development Management

Ervin McDaniel, Chief $\ell^{-\prime}$ Office of Planning and Zoning Development Review Section

SUBJECT: Elmer J. McFadden, Item No. 365

SUMMARY AND RECOMMENDATIONS:

The petitioner is requesting a special hearing to allow for an expansion of less than 25% for a non-conforming use.

Expansion of this office building requires that the parking requirements be shown on the plan to determine whether a variance would be necessary. Furthermore, our office needs to examine the parking layout to determine if internal circulation is satisfactory.

The building addition should be compatible with the existing building in terms of architecture and building materials.

Finally, a schematic landscape plan is required.

Based upon the information provided and analysis conducted staff recommends APPROVAL of the petitioners request subject to the following.

A detailed parking layout showing the parking required and parking provided needs to be shown.

2. Architectural elevations and materials should be reviewed by the Director, Office of Planning and Zoning prior to the issuance of building permits.

3. A landscape plan shall be reviewed and approved by the Director, Office of Planning and Zoning prior to the issuance of building permits.

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

EM/FM/rdn 365.ZAC/ZAC1

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

MARCH 20, 1992

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-347-5PH W/S Leeds Avenue, 25' (+/-) S of c/l Beechfield Avenue 4200 Leeds Avenue 13th Election District - 1st Councilmanic Petitioner(s): Elmer J. McPadden HEARING: MONDAY, APRIL 20, 1992 at 2:00 p.m.

Special Hearing to approve a nonconforming use and expansion of less than 25% of a community building.

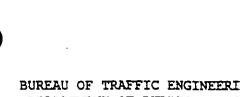
Zoning Commissioner of Baltimore County

cc: Elmer J. McFadden John B. Gontrum, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Pape

43-347 SAM W/20



BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 24, 1992 ITEM NUMBER: 365

The issue of parking should be adequately addressed.

Traffic Engineer II

RJF/lvd

700 East Joppa Road Suite 901

Towson, MD 21204-5500

111 West Chesapeake Avenue

John B. Gontrum, Esquire

814 Eastern Blvd

Baltimore, MD 21221

Dear Mr. Gontrum:

accordingly.

process with this office.

Towson, MD 21204

MARCH 31, 1992

Baltimore County Government

Fire Department

Baltimore County Government

and Development Management

Office of Planning & Zoning

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

submitted with the above referenced petition. The attached comments

from each reviewing agency are not intended to assure that all

parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are

made aware of plans or problems with regard to the proposed

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional

comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the

date of the enclosed filing certificate and a hearing scheduled

The following comments are related only to the filing of future

Management has instituted a system whereby seasoned zoning

attorneys who feel that they are capable of filing petitions that

comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office

without the necessity of a review by Zoning personnel.

zoning petitions and are aimed at expediting the petition filing

The Director of Zoning Administration and Development

improvements that may have a bearing on this case.

Office of Zoning Administration

April 6, 1992

RE: Item No. 365, Case No. 92-347-SPH

Petitioner: Elmer J. McFadden

Petition for Special Hearing

(410) 887-3353

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: ELMER J. MCFADDEN

Location: Item No.: 365

#4200 LEEDS AVENUE

Zoning Agenda: MARCH 24, 1992

(301) 887 4500

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Prevention Bureau

Special Inspection Division

JP/KEK

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

April 16, 1992

John B. Gontrum, Esqui Baltimore, MD 21221

Preliminary Petition Review Item #365; Case #92-347-SPH Legal Owner: Elmer J. McFadden 4200 Leeds Avenue 13th Election District

Dear Mr. Gontrum:

This correspondence is in reference to a petition filed at the request of the petitioner/attorney without the normal petition review. All revisions must be accompanied by a \$100.00 revision fee.

The following are unaddressed zoning issues or incomplete required information:

1. Needs Clarification -- On petition form use is community building, on plan, use is office building. Which is correct? What's use of expansion?

2. On Site Plans:

a. Show street right-of-way (and add width)

b. Dimension width of entrance. c. Show any sign(s) - location, area (single-faced or dual-faced),

elevation and setbacks, if freestanding.

d. Number the existing parking spaces and show $(8\frac{1}{2} \times 18^{\circ})$. e. Is existing number sufficient for proposed expansion? (Show it)

or is variance needed?

If you need further information or have any questions, please do not hesitate to contact John Sullivan at 887-3391.

Very truly yours, non W. Carl Richards, Jr. Zoning Coordinator John of Sullivan ba ' John J. Sullivan, Jr. Planner II

Printed on Recycled Paper

PETITIONER(S) SIGN-IN SHEET PLEASE PRINT CLEARLY 4932 Hozelwon 1.42 2120% J. Scott Dr. Land 3303 FEXAMOS 2 21237 ELMER JMEFALTER

DEED

LIBER 2884 PAGE 323

THIS DEED, made this 18th day of February in the year one thousand nine hundred and fifty-six, by and between G. Alfred Peters and Kathleen Peters, his wife, and Philip L. LeCompte and Marie LeCompte, his wife, all of the City of Baltimore, State of Maryland, parties of the first part and Order of the Alhambra, Inc., a corporation of the State of New York of the second

Witnesseth, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged the said G. Alfred Peters and Kathleen Peters, his wife, and Philip L. LeCompte and Marie LeCompte, his wife do grant and convey unto the seid Order of the Alhambra, Inc., its successors and assigns, in fee simple, all that lot of ground, situate, lying and being in Baltimore County, State aforesaid, and described as follows, that is to say:

Beginning for the same at the corner formed by the intersection of the southwest side of Beechfield Avenue and the northwest side of Leeds Avenue, said beginning point being the beginning point of Deed, dated June 26, 1925, by and between George Batson and Ida H. O. Batson, his wife, of Baltimore County, in the State of Maryland, parties of the first part and A. J. Watkins Realty Corporation, recorded in Land Records of Baltimore County, in Liber W.P.C. No. 616, folio 505 and running thence from said place of beginning south 25 degrees west binding on the northwest side of Leeds Avenue 62 feet thence leaving Leeds Avenue and running north 51 degrees, 43 minutes west 127.7 feet to the outline of the deed above referred to thence on the outline north 34 degrees 50 minutes east 45 feet to the southwest side of Beechfield Avenue and still on the outline and the last line of deed above referred to south 59 degrees 20 minutes east 128 feet to the place of beginning.

Being the same lot of ground which by Deed dated June 7, 1955 from Clatus Earl Wannenwetsch and Emma Wannenwetsch, his wife, unto the Grantors herein, which Deed is recorded among the Lend Records of Baltimore County in Liber G.L.B., No. 2710, folio 377.

PETI ONER'S EXHIBIT 2

STATE OF MARYLAND State Bepartment of Assessments and Taxation

OFFICE OF Supervisor of Assessments for Baltimore County

COURT HOUSE - TOWSON 4, MARYLAND

HOWARD E. BURKHARDT December 1, 1964

Order of the Alhambra, Incorporated

4200 Leeds Avenue Baltimore, Maryland 21229

> Re: Account Number - 73140 District - 13

GORDON H. CADE

Gentlemen:

In order to complete our records, update our files and continue the present tax exemption on the above referenced property for the Fiscal Year 1966 beginning July 1, 1965, we hereby request that you execute the enclosed form "Application for Exemption of Assessment on Real Estate".

Effective June 1, 1964, Chapter 183, Acts of 1964, of the General Assembly of Maryland, repeals subsection (7) of Section 9 of Article 81 of the Annotated Code of Maryland and enacts a new subsection (7) in lieu thereof, to stand in the place of the subsection repealed, providing that exemptions from tax assessment for hospitals, asylums, charitable, fraternal or benevolent institutions, women's clubs and related institutions be allowed upon such institution making claim therefor.

The newly enacted law provides, in part, that "all exemptions from taxation hereunder shall be allowed by the assessing authority upon the filing of a claim in writing under oath, made by or on behalf of the institution or organization claiming the same, showing the right to the exemption, briefly describing the property for which exemption is claimed."

The date of finality for Baltimore County is January 1st for the ensuing tax year, therefore, all claims for exemption should be filed on or before December 31, 1964.

Very truly yours,

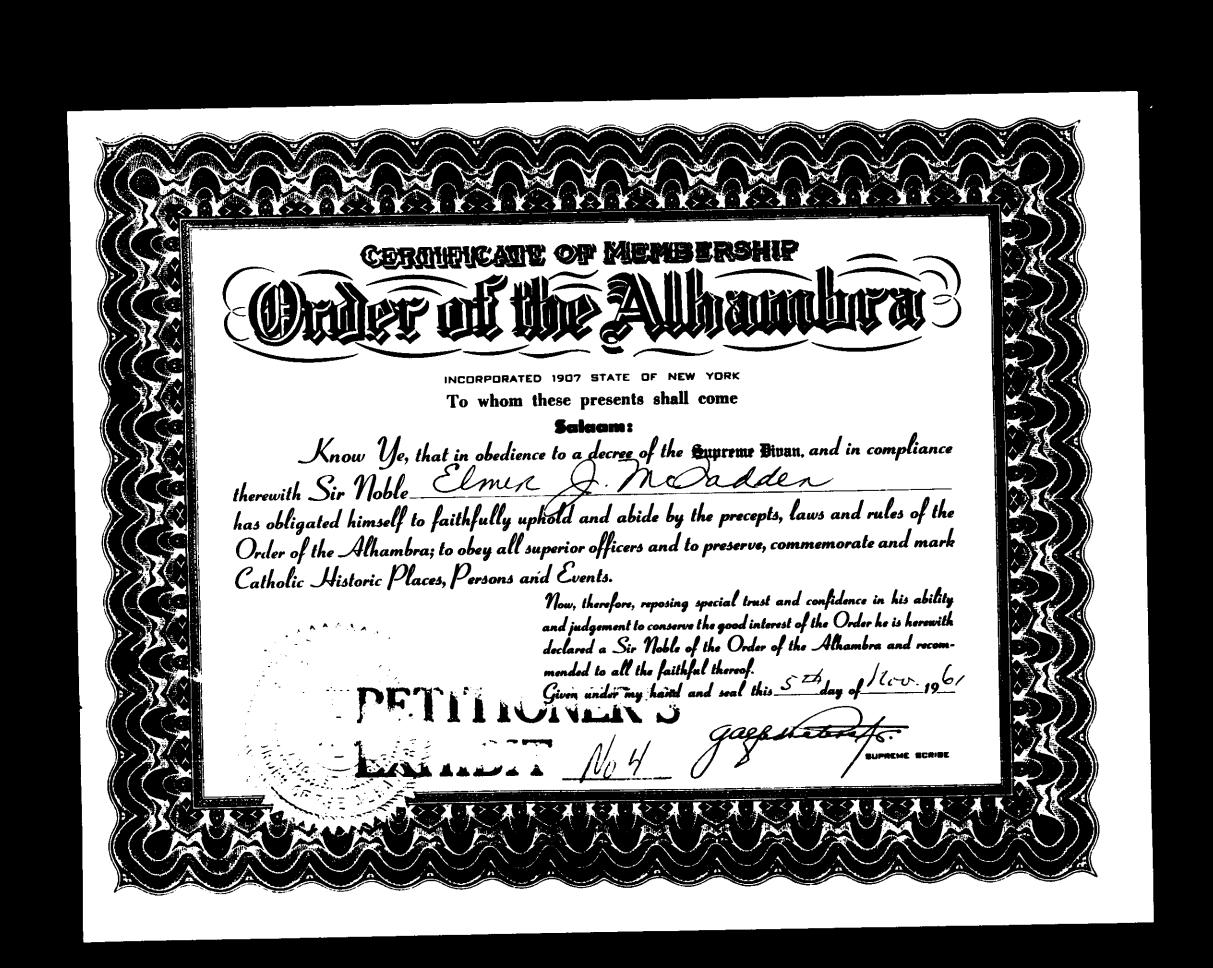
Supervisor

SUPERVISOR OF ASSESSMENTS

Howard E. Burkhardt

HEB: EDH: 1k Enclosure

PETITIONER'S PEXHIBIT



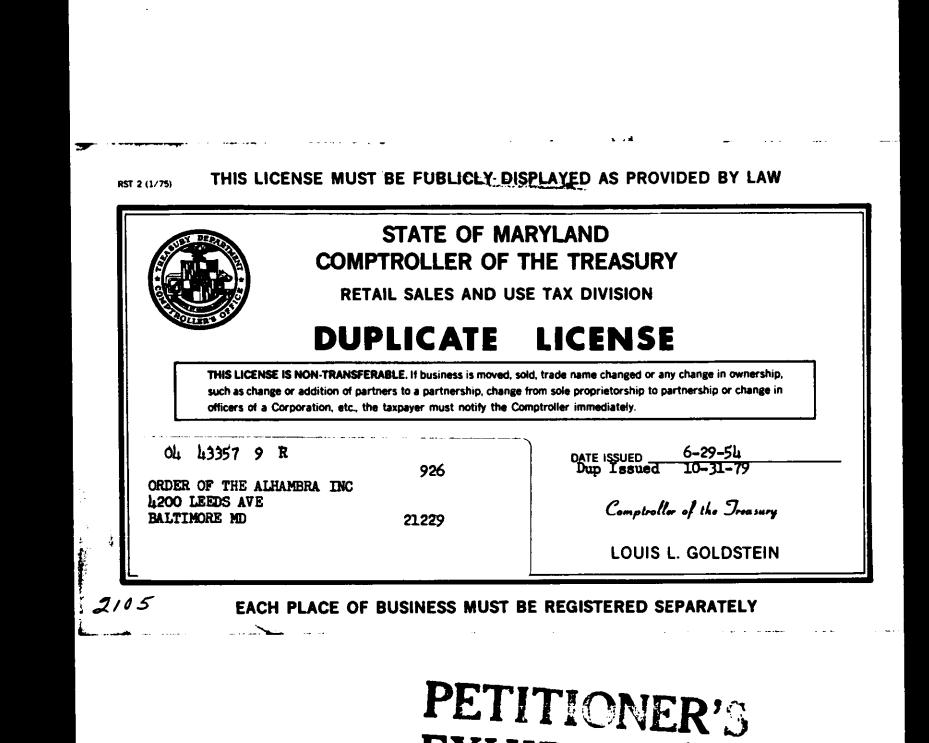
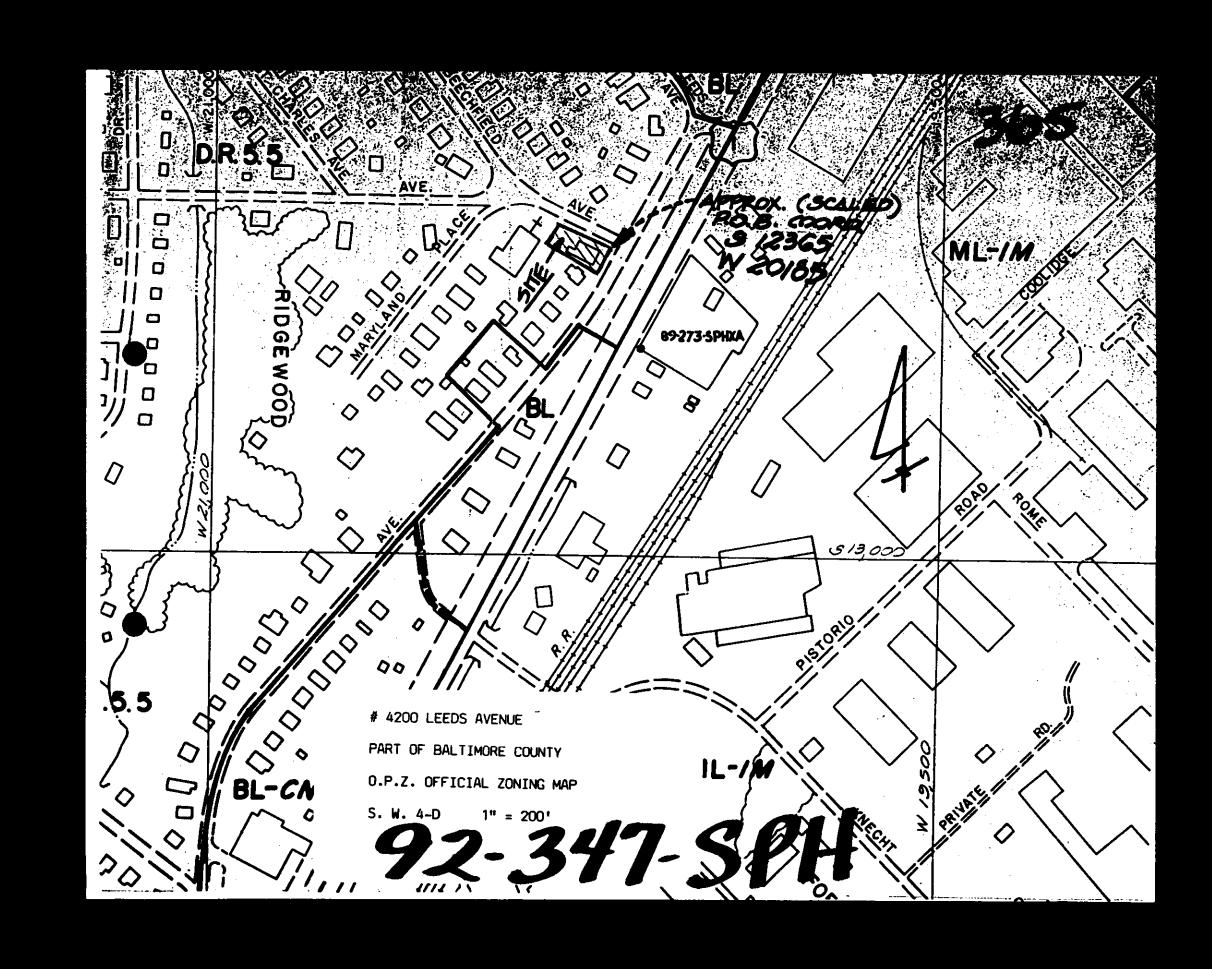


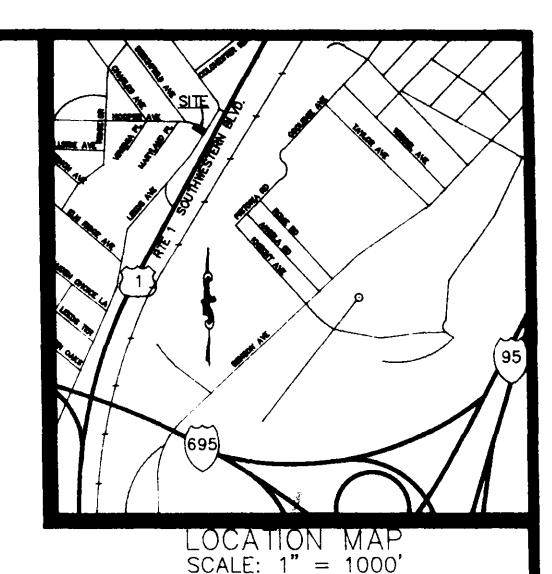
EXHIBIT No 5



NOTES_

1. ELECTION DISTRICT 13
2. COUNCIL DISTRICT 1
3. CENSUS TRACT 4309
4. WATERSHED 29
5. SUBSEWERSHED 74
6. SITE ACREAGE NET = 0.152 AC.± GROSS (BOTH RDS.) = 0.259 AC.±
7. EX. ZONING OF SITE & SURROUNDING PROPERTIES, D.R. 5.5
8. PROPOSED FAR ≤ 1930/11280 = 0.17
9. NO KNOWN WELLS, SDS OR UNDER GROUND TANKS ON SITE
10. OUTLINE HEREON PER "PROPERTY SURVEY" BY A.M. BOTTERILL (REG. No. 357) DATED 10-03-88, AND RECOVERED PROPERTY MARKERS
11. EX. SOILS SITE & SURROUNDING PROPERTIES LYB PER U.S.D.A. 1976 BALTO. CO. SOIL SURVEY

12. SEE WAIVER & W.92.3.



PETITIONER'S EXHIBIT

92-347-SPH

| DATE | REVISION | | |
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C.R.G. PLAN F
PLAT TO ACCOMPANY PETITION FOR SPECIAL HEARING
FOR NON-CONFORMING USE AND 25% EXPANSION

#4200 LEEDS AVENUE

13th ELECTION DISTRICT BALTIMORE COUNTY, MD. SCALE: 1" = 20' 01-08-92

OWNER

ORDER OF THE ALHAMBRA, INC.

C/O ELMER J. McFADDEN

4200 LEEDS AVENUE

BALTIMORE MD. 21229

DEED REFERENCE: 2884/323
TAX ACCOUNT #: 1315640030



J.S. DALLAS, INC.

Surveying & Engineering

4932 Hezelwood Avenue

Bellimore. Meryland 21206

Telephone: (301) 866-2001

DUGG 915